

REMARKS/ARGUMENTS

Reconsideration of this application and entry of this Amendment are solicited. Claims 1-9, 13, 15 and 16 will be active in the application subsequent to entry of this Amendment.

In item 6 of the Official Action the examiner has indicated claims 13, 15 and 16 would be allowable if incorporated into the claims from which they depend. With the examiner's comments in mind, claims 1 and 2 have been amended to include a grouping of phosphorus compounds featured in claims 13, 15 and 16, namely an organic phosphinic acid or an ester thereof, a phosphorous ester, and a hypophosphorous ester, as embodiments of the invention and which the examiner has indicated to be allowable.

Responding to the issues raised in the outstanding Official Action, the dependency of claims 5 and 6 have been amended to depend from claim 2 or 3 (not claim 4 which is already a multiple dependent claim). In addition, claims 11, 12 and 14 have been deleted as including subject matter no longer falling within the scope of amended claims 1 and 2. Adjustments to the dependencies of claims 13, 15 and 16 (the allowable claims) have been made to depend from any one of claims 1, 2 or 3.

The Official Action contains two prior art-based rejections, item 4 directed to claims 1-4 and 7-9 and item 5 directed to claims 11, 12 and 14. The rejection in item 5 is moot as claims 11, 12 and 14 have been canceled. The rejection stated in item 4 of the Official Action is no longer believed to be pertinent in view of the amendments made to the claims as explained above and more fully detailed below. Reconsideration is requested.

Claims 1 and 2 as above amended each include novel features in which the organic phosphorus compound is selected from the group consisting of an organic phosphinic acid or an ester thereof, a phosphorous ester, and a hypophosphorous ester.

Neither Maeda et al nor Bonin nor Hutchings et al discloses the presence of an organic phosphinic acid or an ester thereof, a phosphorous ester, or a hypophosphorous ester as one of the organic phosphorus compounds.

The examiner will note claims 11, 12 and 14 have been canceled and that organic phosphonic acids or their esters and phosphoric esters are excluded from the selection of species of the organic phosphorus compound in amended claims 1 and 2.

The examiner states in item 6 of the Action that the claims 13, 15 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 relates to the organic phosphinic acid or an ester thereof, claim 15 relates to the phosphorous ester, and claim 16 relates to a hypophosphorous ester and these phosphorus compounds form the basis for the amendments to claims 1 and 2.

Therefore, the amended claims 1 and 2 should be allowed since the organic phosphinic acid or an ester thereof, a phosphorous ester, and a hypophosphorous ester are not disclosed in Maeda et al nor Bonin nor Hutchings et al and, for the same reasons as the claims 13, 15 and 16 is allowable.

For the above reasons it is respectfully submitted that the claims of this application define inventive subject matter. Reconsideration, entry of this Amendment and allowance are solicited. If for any reason this Amendment does not place all claims in condition for allowance, the examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Arthur R. Crawford/
Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100